

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re:

**B GSE GROUP, LLC, dba
BULLERDICK GSE, LLC,**

Debtor.

Case Number: 23-30013

Chapter 11

**APPLICATION OF DAVID M. SCHILLI FOR ALLOWANCE OF
SUBCHAPTER V TRUSTEE COMPENSATION**

David M. Schilli, who was initially appointed as the Subchapter V Trustee herein (the “Subchapter V Trustee”), respectfully submits his Application for Allowance of Subchapter V Trustee Compensation (the “Application”) pursuant to sections 105, 330, 331, 503, 507 and 1183 under title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Local Rule of Bankruptcy Procedure 9013-1(e)(7) and requests that this Court award him his reasonable compensation for professional services rendered as the Subchapter V Trustee for the period from the Petition Date (as defined below) through January 30, 2023 (the “Fee Period”), in the amount of \$2,520.00. In support thereof, the Subchapter V Trustee states as follows:

JURISDICTION

1. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this case and this Application in this Court are proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The bases for relief sought herein are, among other provisions, sections 105, 330, 331, 503, 507, and 1183 of the Bankruptcy Code, Bankruptcy Rule 2016, and Local Rule of Bankruptcy Procedure 9013-1(e).

BACKGROUND

2. On January 6, 2023 (the “Petition Date”), Debtor B GSE Group, LLC dba Bullerdick GSE, (the “Debtor”) filed a voluntary petition in this Court under Chapter 11 of the Bankruptcy Code and elected treatment as a Subchapter V Small Business Debtor [Doc. No. 1].

3. On January 9, 2023, the United States Bankruptcy Administrator for the Western District of North Carolina (the “Bankruptcy Administrator”) filed a Notice of Appointment of Trustee pursuant to Bankruptcy Code § 1183(a) appointing David M. Schilli of Robinson, Bradshaw & Hinson, P.A. as Subchapter V Trustee.

4. On January 9, 2023, the Debtor arranged for a hearing on January 11, 2023, at 9:30 a.m. (the “First Day Hearing”) for the Court to consider on an expedited basis its *Motion to Use*

Cash Collateral (D.E. 6), its *Motion for Authority to Pay Pre-Petition Payroll, Payroll Taxes, Employee Benefits and Other Related Expenses* (D.E. 7), and its *Motion for Entry of Order Providing for Adequate Assurance to Utility Companies* (D.E. 8) (collectively, the “First Day Motions”).

5. The Subchapter V Trustee prepared for and attended the First Day Hearing on the First Day Motions, but noted for the Court that, before the First Day Hearing, he had not had sufficient time to complete his investigation into his disinterestedness due to the limited time provided to perform the necessary diligence on the more than 500 parties in interest listed on the Debtor’s papers filed with its voluntary petition.

6. Following completion of that investigation, and after consultation with the Bankruptcy Administrator, the Subchapter V Trustee rejected his appointment, and the Bankruptcy Administrator promptly appointed Cole Hayes as subchapter V trustee in the case (the “Substitute Subchapter V Trustee”).

SUMMARY OF SERVICES RENDERED

7. During the Fee Period, the Subchapter V Trustee performed professional services in his capacity as the Subchapter V Trustee totaling 4.5 hours at the hourly rate of \$560.00.¹ The services rendered by the Subchapter V Trustee during the course of this proceeding are described in detail on the itemization of services rendered that is attached hereto as Exhibit A. Exhibit A includes certain time entries for services performed by the Subchapter V Trustee in this case, for which the Subchapter V Trustee is not seeking compensation from the estate, as reflected on Exhibit A. As set forth on Exhibit A, the Subchapter V Trustee seeks compensation totaling \$2,520.00. All services for which the Subchapter V Trustee requests compensation were performed by or on behalf of the Subchapter V Trustee.

8. The Subchapter V Trustee has not incurred any expenses in connection with his work in this proceeding.

9. The Subchapter V Trustee has not previously sought nor received an award of any fees or reimbursement of any expenses.

10. Based on the hours incurred and the Subchapter V Trustee’s hourly rate, the Subchapter V Trustee seeks approval of fees incurred for the Fee Period in the amount of \$2,520.00.

11. Consistent with the factors enumerated in Bankruptcy Code § 330, the amount requested by the Subchapter V Trustee is fair and reasonable given (a) the complexity of the case, (b) the time expended, (c) the nature and extent of the services rendered, (d) the value of such

¹The hourly rate set forth above and in Exhibit A reflects an approximate ten percent (10%) discount to the hourly rate the Subchapter V Trustee customarily charges to represent clients in bankruptcy-related matters and in matters other than bankruptcy-related matters. Subchapter V Trustee is discounting that customary hourly rate because he views his role as a subchapter V trustee as a service to the Court, the bar practicing before this Court and the parties to subchapter V cases. The Subchapter V Trustee is willing to so discount his customary hourly rate so long as it is without prejudice to or waiver of his right to seek to be retained and compensated at his normal hourly rate in any other proceeding before this or any other Court.

services, and (e) the costs of comparable services other than in a case under this title. This Application conforms to this Court's Guidelines for Compensation and Expense Reimbursement of Professionals ("Guidelines"), including the inclusion of the project categories set forth in the Guidelines.

12. No agreement or understanding exists between the Subchapter V Trustee or any other person for sharing of compensation to be received by him for services rendered in or in connection with this case, save and except that sharing that comes about by virtue of the Subchapter V Trustee's position as a shareholder in Robinson, Bradshaw & Hinson, P.A.; and no other persons rendering services or connected with this case for sharing in the compensation of such other person.

13. The Subchapter V Trustee requests that the Court allow compensation for his services rendered as set forth on the attached Exhibit A pursuant to the proposed Order attached hereto as Exhibit B.

14. Before filing this Application, the Subchapter V Trustee has communicated with the Bankruptcy Administrator and the Substitute Subchapter V Trustee with respect to this Application and the amount of fees sought to be awarded herein, and neither the Bankruptcy Administrator nor the Substitute Subchapter V Trustee has any objection to this Application or the amount of fees sought to be awarded herein.

NOTICE

15. Notice of this Application has been given to (a) the Bankruptcy Administrator; (b) the Debtor, through its counsel; (c) the Substitute Subchapter V Trustee; and (d) those parties requesting notice pursuant to Bankruptcy Rule 2002.

WHEREFORE, the Subchapter V Trustee prays that the Court:

A. Allow payment for services rendered to the estate as Subchapter V Trustee in the total amount of \$2,520.00 pursuant to the proposed Order attached hereto as Exhibit B; and

B. Grant such other and further relief as is just and proper.

February 13, 2023

Respectfully submitted,

/s/ David M. Schilli

David M. Schilli

N.C. Bar No. 17989

ROBINSON BRADSHAW & HINSON, P.A.

101 N. Tryon St., Suite 1900

Charlotte, NC 28246

Telephone: 704-377-8346

Email: dschilli@robinsonbradshaw.com

Subchapter V Trustee

EXHIBIT A

**Detailed Itemization of Services Rendered
[Attached]**

ROBINSON
BRADSHAW

Robinson Bradshaw
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
t: 704.377.2536
robinsonbradshaw.com

Fed. Tax ID 56-0944079

David Schilli Subchapter V Trustee
c/o Robinson, Bradshaw & Hinson, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246

Invoice Date February 13, 2023
Invoice No. 692072

RE: B GSE Group LLC
Client ID: 28376 Matter ID: 00012

Invoice Summary

Total Professional Services This Invoice	\$ 2,520.00
Total Disbursements This Invoice	\$ 0.00
Total This Invoice	\$ 2,520.00



Robinson Bradshaw
 101 North Tryon Street, Suite 1900
 Charlotte, NC 28246
 t: 704.377.2536
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 101 North Tryon Street, Suite 1900
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For Professional Services Rendered Through January 31, 2023

Date	Professional	Task	Narrative	Hours	Amount
01/09/23	DMS	2	Review and analyze petition	0.20	112.00
01/09/23	DMS	2	Communicate with Bankruptcy Administrator re case filing and background	0.20	112.00
01/09/23	DMS	2	Communicate with debtor's counsel re background facts and first day motions	0.20	112.00
01/10/23	DMS	2	Review and analyze first day motions in preparation for first day hearings	0.50	280.00
01/11/23	DMS	2	Attend first day motions hearings	0.90	504.00
01/11/23	DMS	2	Meet with Truist and judgment creditor re background facts and issues	0.70	392.00
01/11/23	DMS	2	Meet with Bankruptcy Administrator re background facts and first day issues	0.30	168.00
01/12/23	DMS	2	Review, revise and communicate with interested parties re first day orders	0.50	280.00
01/13/23	DMS	2	Draft notice of disinterestedness	0.00	0.00
01/17/23	DMS	2	Review and analyze correspondence between debtor and court re first day orders	0.20	112.00
01/18/23	DMS	2	Confer with Bankruptcy Administrator re conflicts, disclosures and resignation issues	0.00	0.00
01/20/23	DMS	2	Confer with Cole Hayes re case transition to new trustee	0.00	0.00
2 Total:					2,072.00
01/30/23	DMS	3	Draft fee application and hearing notice	0.80	448.00
3 Total:					448.00

Date	Professional	Task	Narrative	Hours	Amount
Total Fees:				\$	2,520.00

Summary of Professional Services

<u>Professional</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
David Schilli	4.50	560.00	2,520.00
	4.50		\$2,520.00

Total Current Billing : \$ 2,520.00

EXHIBIT B

**Proposed Order
[Attached]**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re:

**B GSE GROUP, LLC, dba
BULLERDICK GSE, LLC,**

Debtor.

Case Number: 23-30013

Chapter 11

**ORDER GRANTING APPLICATION OF DAVID M. SCHILLI FOR
ALLOWANCE OF SUBCHAPTER V TRUSTEE COMPENSATION**

THIS MATTER came before the Court to consider the Application of David M. Schilli for Allowance of Subchapter V Trustee Compensation [Doc. No. ____] (the “Application”) filed by David M. Schilli of Robinson, Bradshaw & Hinson, P.A. seeking allowance of compensation for the Fee Period.² After considering the matters set forth in the Application, the official file, and the comments of any parties wishing to be heard, the Court finds that the Application should be allowed, and it is hereby:

ORDERED that the Application is granted, and David M. Schilli of Robinson, Bradshaw & Hinson, P.A. is allowed compensation in the amount of \$2,520.00 for the Fee Period.

²Capitalized terms not defined herein shall have the meanings ascribed to them in the Application.

IT IS FURTHER ORDERED that the Debtor is authorized to pay without further order of the Court the amounts allowed hereby.

IT IS FURTHER ORDERED that this Order is entered without prejudice to the right of any other trustee appointed under Subchapter V of the Bankruptcy Code to apply for compensation and reimbursement of expenses.

*This Order has been signed electronically.
The Judge's signature and Court's seal
appear at the top of the Order.*

United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will electronically serve notification of such filing to those persons that have properly registered for such electronic service.

Dated: February 13, 2023.

/s/ David M. Schilli

David M. Schilli

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In re:

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NOTICE OF OPPORTUNITY FOR HEARING

(No Protest Notice – No Hearing Will be Held Unless Request for Hearing is Filed)

PLEASE TAKE NOTICE that David M. Schilli, Subchapter V Trustee (the “Subchapter V Trustee”) has filed his *Application of David M. Schilli for Allowance of Subchapter V Trustee Compensation* (the “Application”) in this case.

PLEASE TAKE FURTHER NOTICE that your rights may be affected by the Application. You should read the Application carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult with one.

PLEASE TAKE FURTHER NOTICE that for a hearing to be held on the Application, written responses, if any, must be filed on or before **February 27, 2023** (the “Response Deadline”) to be considered. If you do not want the Court to grant the relief requested in the Application, or if you oppose it in any way, you **MUST**:

1. File a formal, written response with the Bankruptcy Court at:

Clerk, United States Bankruptcy Court
401 West Trade Street
Charlotte, NC 28202

2. Serve a copy of your response on all parties in interest, including:

- a) U.S. Bankruptcy Administrator
401 West Trade Street, Suite 2400
Charlotte, NC 28202
- b) David M. Schilli
Robinson, Bradshaw & Hinson, P.A.
101 North Tryon Street, Suite 1900
Charlotte, North Carolina 28246

PLEASE TAKE FURTHER NOTICE that IF RESPONSES ARE TIMELY FILED, a hearing on the Application will be held on **March 14, 2023 at 9:30 a.m. (ET)** before The Honorable J. Craig Whitley at the U.S. Courthouse, JCW Courtroom 2B, 401 West Trade Street, Charlotte, North Carolina 28202.

February 13, 2023

Respectfully submitted,

/s/ David M. Schilli

David M. Schilli

N.C. Bar No. 17989

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Charlotte, NC 28246

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Subchapter V Trustee